

## POCKET EDITION

OF THE

## NEW METROPOLITAN BUILDINGS ACT.

Just ready, a neat Pocket Edition of

**THE NEW METROPOLITAN BUILDINGS ACT,** together with a CYCLOPEDIA, in which all the details of the Statute are arranged alphabetically, so as to be instantly found, and accompanied by extensive references and counter-references to the sections of the Act itself and its minute provisions.

By the late A. BARTHOLOMEW, Esq., F.S.A., Architect, Surveyor of the Horary District.

To the above volume will be appended a Folio Table of the Metropolitan Districts (old and new), and a List of the Surveyors, with their Residences and Offices.

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**The Builder.**

NO. CIII.

SATURDAY, JANUARY 25, 1845.



THE present moment is one of considerable importance to builders and owners of house-property within the limits of the Metropolitan Buildings Act, inasmuch as the amount of interference which may be expected on the part of district surveyors will probably be established by the first decisions of the official referees. The Act is unquestionably stringent; and, if acted on to the letter, and with a litigious spirit, will be deemed oppressive, and speedily become very unpopular. In the discharge of our duties, it will be incumbent on us to urge two things, to advocate, as it may seem, two opposing interests. While we shall have to say to builders and owners, comply strictly with the provisions of the Act, consider it, as it is, a measure for the general advantage which all are bound to assist in carrying out, we must urge on district surveyors the necessity for a lenient administration of it, and an attendance to the spirit of its provisions, rather than the word.

We are satisfied by decisions already given that the official referees desire this: it is to be hoped the surveyors will take the same wise view of the matter.

Section 13 provides that notice shall be given by the builder to the surveyor two days "before any party-wall, external-wall, chimney-stack, or flue, shall be begun to be built, pulled down, rebuilt, cut into, or altered," with a view to his attendance, for which, of course, a fee is to be paid. Now this, strictly speaking, would seem to prevent a man from letting in an iron air brick, for example, to his front or back wall, or making a hole for a bell-wire at the street door, without payment of a fee; but surely this is not the way in which the Act will be read, although we fear some of the surveyors think otherwise. The question of interference or not in matters of this sort will, however, be settled, as already remarked, by the first decisions of the official referees. Upon these, therefore, much will depend, and we shall endeavour as they occur to lay them before our readers for their guidance.

It becomes necessary for us to state, in

consequence of the numerous comments and inquiries which followed our last publication, that we shall carefully avoid exposing individuals to annoyance by the mention of names in cases where no good can result from inserting them. Our main business is with the decisions themselves, and all must at once see that we are conferring a boon on our readers and the public by rendering them extensively known.

The referees have already made one important decision as regards what constitutes a commencement of a new building, so as to take it out of the Metropolitan Buildings Act. In answer to an application on this point made by Mr. Allen of the Rotherhithe district, they say, "We feel it necessary, having regard to the judicial capacity of the official referees who may be called upon to determine cases especially referred to them, not to signify our opinion as to the particular circumstances of any commencement without hearing the parties whose rights may be affected, but we may state briefly that we are of opinion that the commencement must be a *bona fide* one; and that our present impression is, that the erection of the footings with two or more courses of the walls themselves built in a workman-like manner, is such a commencement."

"As to the modes of erection which may be pursued with regard to buildings so commenced, we are of opinion that as to such buildings within the operation of the old Building Act (14 Geo. III. c. 78), they must be built according to the provisions of that Act, since these provisions, as to proceedings commenced or taken under that Act before the 1st of January, are not repealed; but we are of opinion that as to such buildings within the new districts, not within the operation of the old Act, the parties concerned are at liberty to pursue what course they please, so that the buildings are finished on the 1st of January, 1846."

Relative to streets, they have decided that "streets formed after the passing of the Act, must be built in conformity with the provisions of the Metropolitan Buildings Act—see sec. 52; and that the mere setting or laying out will not be sufficient to take them out of the Act."

"If parties are prejudiced by the enactment, they must seek relief under the 9th or 10th section."

Since the Act came into operation, the district surveyors have found much occupation for the referees and registrar, and will continue to do so for some time to come. It seems quite clear to us that the duties which devolve upon the official referees will be much more numerous and weighty than two gentlemen, however energetic and industrious they may be, will be able to discharge. If no notice be given by a builder, the referees are to be applied to; if any irregularity be committed; and is not remedied, the referees must interfere; all doubts, differences, and dissatisfaction must come before them; they are to settle all terms of qualification, and to say what is the meaning of good, sound, fire-proof, fit, proper, or sufficient. Buildings of a certain class they must themselves survey; they will be called on to settle the respective terms and interests of tenants and owners, to affix the rates and prices, according to which accounts for work and materials in party structures are to be made out; to survey in certain cases ruinous buildings, and do various other acts too numerous to mention now. They have issued a table of fees to be paid in respect of these services, which, at first sight, seem cal-

culated to increase rather than diminish the number of cases submitted to them. We have the pleasure to place a copy of this table before our readers, but reserve our remarks upon it for a future occasion. It involves a matter of considerable importance to the profession at large.

## TABLE OF FEES

To be paid to the Registrar of Metropolitan Buildings, in respect of the services to be performed by the Official Referees and by the said Registrar, in order to defray the expenses of the office, incident to such services, and the salaries of clerks, &c.

## Awards.

£. s. d.

- For every hearing—
  - By one Official Referee ..... 1 1 0
  - By one Official Referee and the Registrar ..... 1 11 6
  - By two Official Referees and the Registrar ..... 2 2 0
- For every final award according to the decision of the Official Referees in that behalf from ..... £1 1 5 to 21 0 0

## Examinations or Tasting of Accounts of Charges referred.

- For every account examined, 1 per cent. on the amount of the account.
- For every measurement—
  - If the work amount to 1000, or less, 2½ per cent.
  - And for all above 1000, 1½ per cent.

## Special Supervision of Buildings.

- For special supervision by the Official Referees of buildings subject to such supervision, and whether upon the original erection thereof, or upon any alteration involving structural arrangements, as follows—
    - If the building be of the extra first-rate ..... 8 5 0
    - If the building be of the first-rate, of what ever class, or of the second-rate ..... 3 3 0
    - If the building be of the third or fourth-rate ..... 2 2 0
- (The foregoing fees to include travelling expenses in all cases of supervision.)
- For every licence to use a building before the certificate of satisfaction has been granted (according to the rate of the building from ..... £0 3 0 to 1 1 0

## Surveys.

- For every survey (not connected with the special supervision of a building) by an Official Referee ..... 1 1 0
- For every survey by direction of the Official Referees, such fee as the Official Referees may authorize to be paid to the person employed to make the survey.
- For preparing, making, verifying, tracing, or copying plans or drawings, such proper fee as may be charged by the person employed to make them, unless performed in the office, and then according to the schedule hereto annexed.

## Sanctions, Authorities, or Approvals as to Materials, &amp;c., under the Rules of the Act.

- For every application for a certificate of authority, approval, or relaxation of any of the Rules of the Act, according to the provisions thereof, schedule C, parts 1, 4, 5; D, parts 2, 4; E, 1, 2 ..... £0 5 6
- For every such certificate ..... 1 1 0

## Modifications of the Rules.

- For every application to modify rules by the authority of her Majesty's Commissioners of Works and Buildings (besides the expenses of any survey) s. 11 ..... £1 1 0 to 2 2 0
- For every order thereon by the Official Referees ..... 0 10 6

## Consents.

- For every application for consent to be given on behalf of absent, unknown, or incapacitated parties, s. 11 ..... 0 5 0
- (And if inquiry be involved, such further fees as are payable on an award.)
- For every confirmation of the surveyor's certificate as to works to which the adjoining owner does not consent, s. 20 ..... 1 1 0

## Copying and Examining.

- For copying, per folio, including paper and examination, and chargeable upon every document to be registered ..... 0 0 6

## Searches and Extracts.

- For every search—
  - Indexes per volume ..... 0 0 6
  - Awards and other documents per volume ..... 0 0 6
- For every extract or copy per folio ..... 0 0 6
- (Besides fee for tracing or copying any plan)

## Travelling Expenses.

- For travelling expenses each way per mile—
  - For each of the Official Referees and the Registrar ..... (each) 0 2 3
  - For a clerk, surveyor, or other person (each) 0 0 10

(Travelling expenses are chargeable upon all matters requiring the presence of the Official Referees, or of the Registrar, or of any clerk, surveyor, or other person employed in or by the office.)

## Examinations and Certificates of Qualification.

- On lodging preliminary statement ..... 3 2 0
- On the grant of a certificate (s. 96) ..... 3 3 0